

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

SIDNEY A. WORTHEN, )  
Plaintiff, )  
vs. ) No. CIV-04-976-W  
WILLIAM HULL et al., )  
Defendants. )

**ORDER**

On July 28, 2006, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended in light of various other recommendations and rulings that he had made, which the Court this date has adopted, that the request of plaintiff Sidney Allen Worthen for class certification be deemed moot. Worthen was advised of his right to object, and the matter now comes before the Court on Worthen's Objection to the Report and Recommendation.

Upon de novo review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of this issue. Since the Court has determined that defendants Richard Kirby and Ron Ward are not liable on the claims for relief set forth in Propositions Four and Five of Worthen's First Amended Complaint, the Court finds Worthen's request that the Court in connection with these two propositions certify as a class "all Oklahoma inmates and prisoners held in the custody of the Oklahoma Department of Corrections" has been rendered moot.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 79] filed on July 28, 2006; and

(2) deems MOOT Worthen's request for class certification as set forth in the First Amended Complaint.

ENTERED this 30<sup>th</sup> day of August, 2006.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE